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FROM

The Author

Matthew Thornton

of New Hampshire

A Patriot of the American Revolution

By

Charles Thornton Adams

of the New York Bar

Compliments of
Charles T. Adams

Matthew Thornton

of New Hampshire

A PATRIOT OF THE AMERICAN REVOLUTION

By
CHARLES THORNTON ADAMS
of the New York Bar

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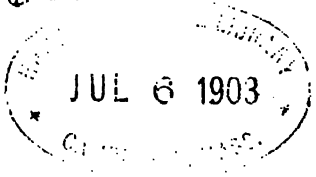

Matthew Thornton

Note.

The engraving of Matthew Thornton, a copy of which is inserted herein, was made for Dr. Thomas Addis Emmet, of New York City, from a wood-cut purchased by him from the collection of Tefft, of Savannah, Georgia. Dr. Emmet submitted this engraving to Commander James S. Thornton, U. S. N., a great-grandson of Matthew Thornton, who was executive officer of Admiral Farragut's flagship at the battle of New Orleans and at the passing of Vicksburg, and who held the same position on the Kearsarge when she sank the Alabama. Commander Thornton submitted the engraving to two aunts of his, who recognized it as a copy of an old miniature of Matthew Thornton which they had seen in the possession of members of the family.

C. T. A.

"A people who take no pride in remote ancestors will never achieve anything worthy to be remembered with pride by remote descendants."—LORD MACAULAY.

"Nec opprimere, nec opprimi."

Motto of the Thorntons of Grenville.

NOTE.—The Thorntons of Grenville were of English origin, and, in the reign of King James I, emigrated to Ireland and settled in Londonderry. At the breaking out of the rebellion of 1641, Robert Thornton, a merchant, was mayor of that city. He and others of his family purchased property in Londonderry and elsewhere from the London companies. Robert Thornton died in 1647, and a near relative of his, James, son of Tristram Thornton, purchased, in the time of Charles I, the estate in the County Cavan, Ireland, which is still possessed by his descendants.—BURKE'S DICTIONARY OF THE LANDED GENTRY OF GREAT BRITAIN AND IRELAND.

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Preface.

It has been well said that the great fact of history is the struggle for freedom. That struggle may be for religious or for civil freedom. It is natural that the descendants of ancestors who have endured the hardships of such struggles should regard the memory of their ancestors with the deepest veneration and pride, and with the feeling that the examples of their lives should be preserved as an inspiration for the future. Such feelings have led the undersigned, two great-great-grandsons of MATTHEW THORNTON, who was prominent in the struggle for American freedom, to make and publish the following record of his life and public services, with such facts as could be ascertained relating to his father, JAMES THORNTON, who, for the sake of religious freedom, left his home in Ireland and came across the sea to found a home in America, at a time when it took a heart of oak to endure the inevitable hardships. These were men who would neither oppress nor would they be oppressed.

CHARLES THORNTON ADAMS.
GORDON WOODBURY.

Matthew Thornton.

MATTHEW THORNTON was one of the three signers of the Declaration of American Independence who were born in Ireland. His father was James Thornton, and his mother's maiden name is said to have been Elizabeth Jenkins. Their son Matthew was born in 1714. At the time of the memorable siege of Londonderry (1689), James Thornton lived on a farm about a mile from that city, and it is not unlikely that his son Matthew was born on this farm, as lands there were held under long leases from the London companies.

The Thornton family was of English origin, but from the close identification of James Thornton and his family with the Scotch, and from their association with the Presbyterian Church, it seems probable that this branch of the family had spread to Scotland. About the middle of the seventeenth century a colony emigrated from Argyleshire in Scotland and settled in the north of Ireland. They were rigid Presbyterians and fled from Scotland to avoid the persecutions of Charles I. Many of these colonists and their descendants subsequently emigrated from Ireland to America, where they became known as the Scotch-Irish. This emigration began in 1717; but the first considerable emigration of the Scotch-Irish was in 1718, and on August 4th of that year about 120 families of them, in five small ships, arrived at Boston, Massachusetts. It is said that James Thornton and his family were among these emigrants, and that, in the fall of 1718, they were among the twenty families who, in a small ship, went to Falmouth, now Portland, Maine, where they spent the winter on shipboard, suffering severely. In the following spring they settled at Wiscasset, Maine, remaining there but a few years, when they moved to Worcester, Massachusetts.

to place in the pulpit preachers of their own denomination; but in this they were disappointed, and they finally withdrew from the church on the Common. They then petitioned to be released from contributing to the support of the Rev. Isaac Burr (the brother of Rev. Aaron Burr, President of Princeton College), the pastor of the Congregational Church; but their petition failed to carry the town, there being a large majority against it. This was in 1736, and then began the emigration of the Scotch-Irish from Worcester. Artemas Ward's description of the Puritans as "that band of religious patriots who fled from the land of persecution to the land of freedom where they could not only enjoy their own religion but prevent every other man from enjoying his," might well apply to the Puritans of Worcester.

James Thornton was one of the prime movers in organizing, in 1738, a company of thirty-four families to purchase and settle a new town, subsequently named PELHAM, about thirty miles northwest from Worcester. He and Robert Peebles were appointed a committee to contract with Colonel John Stoddard, of Northampton, who owned the territory. It was agreed that the new town should be settled by families of "good conversation," and who should be "such as were inhabitants of the Kingdom of Ireland or their descendants being Protestants," and that "none be admitted but such as bring good and undeniable credentials or certificates of their being persons of good conversation and of the Presbyterian persuasion as used in the Church of Scotland, and conform to the discipline thereof." The lands owned by Colonel Stoddard which were purchased for the new town formed part of what were known as the "EQUIVALENT LANDS," which name had been given to them when Massachusetts made a grant of the land so described to Connecticut, as an equivalent for the towns of Woodstock, Somers, Enfield and Suffield, which, owing to some blunder or error in surveying, were supposed for many years to be within the boundaries of Massachusetts.

Colonel Stoddard made a deed to the patentees on January 21, 1739, James Thornton having the largest interest, viz., fourteen-sixtieth parts, and Robert Peebles (or Peibols) the next largest, viz., five-sixtieth parts.

The first meetings of the proprietors of the new town were held in Worcester at the house of Captain Daniel Heywood, who was the fourth permanent settler of Worcester. The first meeting was held there on February 26, 1739, and the second on May 1, 1739, at which last meeting it was voted that the lands purchased of Stoddard be for the future called "ye LISBURN PROPRIETY." It was probably so called after a place by that name on the River Lagan, in Ireland.

The first division of town lots was drawn at the meeting of May 1, 1739, when 1100 acres were allotted to James Thornton, of which 400 acres were in the center of the town, immediately opposite a ten-acre tract which had been reserved for a meeting house, burying place and training field. One hundred acres were also allotted to each of the sons of James Thornton, viz., Matthew and William. The latter was appointed an assistant to the committee named to lay out the second division of the town lands, his compensation being "nine shillings per day, he finding himself." At the drawing for the second and third division of the town lots, twenty-two more lots were set off to James Thornton, and two more lots each were set off to his sons Matthew and William. Thus the Thorntons became large land owners in the "Lisburn propriety."

As has been previously stated, James Thornton sold his farm in Worcester on February 14, 1740. The last meeting of the proprietors of the Lisburn property held in Worcester was on April 15, 1740, and their first meeting on the lands of the propriety was held on August 6, 1740, at which meeting James Thornton was chosen moderator, and it was probably between the times of these two meetings that he left Worcester and took up his

abode at Lisburn, which was afterwards named PELHAM, in honor of Lord Pelham.

The Worcester Presbyterians had finally determined to build a meeting house of their own, and selected a site near the "Old Fort," which they had formerly used for a meeting place. The frame of the building had been raised in 1740, when the Congregationalists gathered by night, leveled the structure to the ground, and either destroyed or carried off the materials. This was the culmination of the religious intolerance which drove most of the Scotch-Irish, including the Thorntons, from Worcester.

It seems probable that Matthew Thornton went to Pelham, with the rest of the Thornton family, as he was a lot owner there, and was a witness to a deed executed there by his father to his brother William, on February 1, 1743; but, if so, he remained there only a short time. Matthew decided upon the older and more thriving settlement of Londonderry, New Hampshire, as the field for the practice of his profession of medicine and surgery.

James Thornton remained at Pelham, where he was prominent in town affairs, until 1748, when he joined his son Matthew in Londonderry, and there he continued to reside until his death, on November 7, 1754, in the seventieth year of his age. He was buried beside his daughter Hannah Wallace, in Forest Hills Cemetery, East Derry, New Hampshire.

William Thornton, who had gone from Pelham to Kingsfield (now Palmer) in 1744, sold his farm in the latter place "on the east side of Dumplin Hill," in March, 1748, and became the first settler of Dublin, New Hampshire, which town was granted, in 1749, to Matthew Thornton and others. William Thornton remained in Dublin until 1753, when he moved to Schenectady, New York. The members of this branch of the Thornton family served their country well in the Border, Revolutionary and Civil Wars. The muster-roll of Captain Daniel Campbell's company of Schenectady, on May 12, 1767, contains the names of William, James and Matthew

Thornton, the two latter being undoubtedly sons of the former. In the Revolutionary War John Thornton, son of William, served as first lieutenant in Captain Thomas Wasson's company, in the Second Regiment, Schenectady division; and in the same regiment were Thomas and James Thornton, who were undoubtedly other sons of William. Lieutenant John Thornton attained the rank of major, and his son, William A. Thornton, served with distinction in the Civil War, becoming a brigadier-general. William Thornton was of Londonderry, New Hampshire, in 1773 and 1774, after which he settled in Thornton, New Hampshire, where he died in 1790.

Dr. Matthew Thornton soon established a large and lucrative practice in Londonderry. In 1745 he accompanied the expedition to Cape Breton, which resulted in the capture of Louisbourg, as a surgeon in one of the New Hampshire regiments, and it is said that but six of his regiment died prior to the surrender, although a company from Londonderry commanded by Captain John Mooar were employed for fourteen successive nights, with straps over their shoulders, and sinking to their knees in mud, drawing cannon through a morass from the landing place to the camp.

Upon his return from the Louisbourg expedition, Dr. Thornton resumed the practice of his profession at Londonderry, and was so successful that he soon acquired a considerable estate. He became largely interested in real estate. In the fall of 1749 he purchased from his father 170 acres at Pelham, and in January, 1752, 150 acres more. He was also a patentee in numerous grants of New Hampshire towns as follows:

1748. Dunbarton.
1749. Temple,
" Dublin,
" Jaffrey.
1751. Alexandria.
1752. Fitzwilliam,

1752. Stoddard.
1753. Hill (New Chester),
" Marlow (Addison).
1761. Acworth (New Burnet),
" Campton,
" Grantham,
" Hanover,
" Castleton,
" Manchester.
1763. Lancaster.
1768. Sunapee (Saville).
1773. New London (Wilmot).

The town of THORNTON, in Grafton County, New Hampshire, was named for Matthew Thornton, and was granted to him, with others, by the Royal Government, in 1763. The original grant was enlarged and a new grant made in 1768, in which Matthew's brothers, James and Andrew, and his wife's father, Andrew Jack, and his son, Andrew Jack, Jr., were co-grantees with Matthew Thornton.

Matthew Thornton was married in 1760 to Hannah Jack, of Chester, New Hampshire. He was then forty-eight years of age, and she was eighteen, and said to have been of great beauty. She was a daughter of Andrew Jack, who, prior to 1747, had settled in Chester, New Hampshire, at the foot of Jack Hill; and her mother was Mary Morison, whose ancestor, John Morison, emigrated from Aberdeen, Scotland, to Londonderry, Ireland, prior to 1688, and suffered in the celebrated siege.

Matthew Thornton and Hannah Jack had five children, all born, between 1763 and 1770, at Londonderry, New Hampshire, and named as follows: 1, James; 2, Andrew; 3, Mary; 4, Hannah; 5, Matthew. Of these, James became a member of the New Hampshire Legislature, as did his son, James Buonaparte, who was Speaker of the New Hampshire House of Representa-

tives, Second Comptroller of the United States and United States Charge d'Affaires at Peru. The latter's son, Commander James S. Thornton, attained distinction in the United States Navy. Mary married Hon. Silas Betton, a member of Congress. Hannah married John McGaw; and of their sons, Thornton became an eminent lawyer in Maine, and John Andrew a prominent merchant in New York City.

Dr. Matthew Thornton took an active interest in public affairs, and held many important and honorable offices.

His first public service appears to have been in 1758, when he represented the town of Londonderry in the Provincial Legislature. He served as such representative until 1762.

He was one of the selectmen of Londonderry in 1770, and was moderator at the town meetings in 1770, 1771 and 1776.

He was commissioned by the Royal Government as COLONEL of the Londonderry regiment, and after the Royal Governor had left the Colony the Provincial Congress voted, on November 8, 1775, that the Hon. Matthew Thornton be Colonel of the Londonderry regiment of militia lately commanded by himself. This appointment was made upon the petition of some of the inhabitants of Londonderry, which read as follows:

"To our Hon'ble Provincial Congress now setting at Exeter. We the undersigned desiers the old Field officers viz. Colon. Matthew Thornton and Col. Stephen Holland, Esquires, each as formerly, and we allow them to appoint the Majers at their Pleasuer. Londonderry, Nov. ye 7th, 1775."

Thornton retained his commision as colonel of the Eighth Regiment of militia until November, 1779, when he resigned, being at that time sixty-five years of age.

Thornton was commissioned by the Royal Government as one of the Justices of the Inferior Court of Common Pleas for the County of Hillsborough, residence in the county then not being a requisite, and he served on the bench of that court from October, 1771, until April, 1775, being for a portion of the time Chief

Justice. His associate justices were Samuel Hobart, John Shepard and Samuel Blodgett (after 1772).

Thornton was also appointed one of his Majesty's Justices of the Peace, in 1771, and again in 1774; and as such attended his Majesty's Court of General Sessions of the Peace, from October, 1771, until April, 1775.

He was also interested in Church matters. In May, 1773, a committee of the West Parish of Londonderry addressed a petition to the House of Representatives in regard to taxation of the inhabitants for the support of the Presbyterian Church, which had been divided into the East (the old) and West Parishes. A counter-petition signed by Thornton and others was submitted. The matter was finally adjusted by agreement of committees made at Portsmouth, New Hampshire, on January 25, 1774, Thornton being a member of the committee for the old, or East Parish.

Thornton represented the town of Londonderry in the Second Provincial Congress, which met at Exeter on January 25, 1775.

The people of Londonderry, in town meeting on April 23, 1775, chose Thornton to go on May 31, 1775, to Watertown, Massachusetts, to attend a meeting of the Provincial Government of that Colony.

Thornton again represented Londonderry in the Third Provincial Congress, which assembled on April 25, 1775. The battle of Lexington occurred on the 19th of April, and a letter from the Committee of Safety of Massachusetts, giving an account of this battle, and asking assistance from New Hampshire, was laid before this Congress. Thornton was appointed on the committee to answer that letter, and on the following day the committee submitted its reply for approval. This reply was adopted by the Congress and forwarded to the Massachusetts committee.

On May 2, 1775, Thornton was chosen President *pro tem.* of the Congress.

The Fourth Provincial Congress met on May 17, 1775, and Thornton again represented Londonderry, and was chosen PRESI-

DENT of the Congress. This honorable preferment was announced by William Whipple to the New Hampshire members of the Continental Congress, Sullivan and Langdon, by letter, as follows:

"The Congress at their first meeting chose the Hon. Matthew Thornton their President, whom we esteem to be zealously and earnestly devoted to the service of this country."

On May 18, 1775, Thornton was appointed on a committee to prepare a plan of ways and means for furnishing troops. This committee reported on May 20th that 2000 effective men be raised to serve until December 21, 1775, and that every member PLEDGE HIS HONOR AND ESTATE, in the name of his constituents, to pay the expenses thereof, which report was adopted. On the same day he was appointed a member of the COMMITTEE OF SAFETY, which was to have full executive and legislative power in the Colony, except in the appointment of field officers, during the recess of the Congress. He was made chairman of this committee.

Referring to the Fourth Provincial Congress of New Hampshire, Ex-Governor Bell, in his history of Exeter, says: "It was from this Congress, it is alleged, that the EARLIEST OFFICIAL SUGGESTION OF NATIONAL INDEPENDENCE emanated. Matthew Thornton, its president, in a noble letter to the Continental Congress at Philadelphia, bearing date May 23, 1775, held this language" (quoting from the following letter):

Exeter, May 23, 1775.

Honourable Gentlemen:

British America being entrusted to your wisdom, the proposal of those plans, by which as a pole star it may steer in the tempest occasioned by the arrogant claims, the haughty threats, and unnatural attacks of the British Ministry, it is reasonable for you to expect, and for each Colony to choose, that whatever important step is taken by any of the Colonies, the consequence of which reaches the whole, you should receive the earliest authentick intelligence of the measure itself, together with the facts and motives

leading to it, so that it may be diverted, forwarded or ripened, so as to harmonize with whatever extensive plan the great Fountain of wisdom and Friend of justice shall inspire the guardians of our common rights.

Long has America mourned to find those she wishes to revere, adopting one plan after another to strip her of the blessings of freedom, deaf to all her pleas for justice.

The Counsels of America, united in that illustrious body, the late Continental Congress, we hoped that by denying ourselves we should scatter the mists which hid the path of justice from the eye of Britain; but with pain we have learned that firmness is insolence, and that the most calm resolution to be free is treason in the new Ministerial language.

In spite of the gathering storm, we yet resolved, if possible, to avoid the retreat of the injured—an appeal to God by the sword; but at length plain and pressing facts constrain us to believe that our enemies mean to deny us every other; though to our view the thought is shaded deep in horrors.

Not long since the alarm sounded through this Colony, that the insidious foe, though continually speaking of peace, had begun a scene of bloodshed and devastation on the lives and property of our brethren in the Massachusetts.

Listening only to calls of humanity without waiting for consultations, with all the speed of common interest and friendship, we generally run to their aid; but we come to be only witnesses as yet of the scenes of pillage and of slaughter perpetrated by the sons of violence. The enemy were retreated. Our situation obliged us to return, not to neglect, but that we might prosecute, by united and consistent counsels, with steady firmness. As soon as convenience would allow, being directed by our brethren of this Colony to act for them in the present exigence, which seems not to allow time for consulting America at large, feeling for ourselves, our friends and our Country, we have determined to exert our utmost efforts in defence of the common cause of America, and for the present have resolved to raise the number of two thousand men (including officers) to be employed as occasion shall require, under the regulation of this Convention, until we have the advice of the Continental Congress, to whose superintendence we choose to submit. We have, in consequence, engaged to provide for the pay of the above number until the last day of December next.

We beg leave to suggest that this will, of course, introduce a vast expense. We will not conceal that the circulating cash in this Province is very small, in but a trifling proportion as we suppose to the necessary demand on this occasion. We ask the advice and assistance of the Congress with regard to the best method of carrying the above vote into execution. We desire to have the benefit of some general plan for bills of credit, or that we may act with the advice of the Congress in issuing such ourselves; or that we may be pointed to such other methods as shall appear just and equal in apportioning the expense of the common cause.

Although we ardently wish that, if possible, a connection may yet be preserved between Great Britain and these Colonies, founded on the invincible principles of justice and the general principles of the British Constitution, yet we are entirely disposed to respect and willing to submit to any plan of further uniting the Colonies, for the purpose of common security and defence.

We will not conceal that many among us are disposed to conclude that the voice of God and Nature to us, since the late hostile design and conduct of Great Britain, is, *that we are bound to look to our whole political affairs.*

We have not largely and fully consulted with one another on this article, but have only acted with the single view of the plain necessity of certain steps to be taken to secure us from the ruin which the British Ministry have prepared for us. We trust we shall keep this alone in view until we hear the united plan of the Colonies in the General Council, which we pray and trust may be under the influence of Heaven.

By order of the Convention of the Colony of New Hampshire, I am, Gentlemen, your most humble servant,

MATTHEW THORNTON,
President.

To the Honourable Members of the
Congress now sitting in the City of Philadelphia.

As President of the Provincial Congress of New Hampshire, he addressed a letter on June 3, 1775, to the President of the New York Congress advising against the demolition of the for-

tress of TICONDEROGA; and on June 2, 1775, a similar letter was sent to the Continental Congress:

Exeter, N. H., June 3, 1775.

Gent.:

I am directed by the Provincial Congress now convened in this Town to advise you that the Resolution of the Continental Congress respecting the Demolition of the fortress of Ticonderoga is just come to hand, that we have taken the same into consideration, and as we esteem that to be a place truly important to the welfare of all these Northern Colonies in General and to this Colony in particular, the thoughts of its Demolition casts a Damp on the spirits of our People, as we apprehend our western frontiers will be thereby greatly exposed to the Depredations of the Canadians and Indians, if (as we have reason to fear) they should incline to annoy us; and not being acquainted with the Reasons for passing that order we have thought it our Duty to entreat that Respectable Body again to take that matter into their consideration, and (if they shall think proper) to order that the said fortress may be kept in possession of the Colonies, and we would earnestly entreat your concurrence with us in said request. At the same time you may be assured that no Colony on this Continent are or can be more Determined than we are to abide by the Determination of that Respectable Body.

In behalf of the Provincial Congress aforesaid, I am, Gentlemen, your most obedient servant,

MATTHEW THORNTON,
President.

To the President of the
Congress at New York.

As President of the Provincial Congress, he addressed the following letter to the inhabitants of the Colony of New Hampshire:

Exeter, June 2d, 1775.

To the Inhabitants of the Colony of New Hampshire:

Friends and Brethren: You must all be sensible that the affairs of America have at length come to a very affecting and alarming crisis. The *Horrors* and *Distresses* of a *civil war*, which, till of late, we only had in con-

templation, we now find ourselves obliged to realize. Painful beyond expression have been those scenes of Blood and *Devastation* which the barbarous cruelty of British troops have placed before our eyes. Duty to *God*, to ourselves, to Posterity, enforced *by the cries of slaughtered Innocents*, have urged us to take up Arms in our Defence. Such a day as this was never before known, either to us or to our Fathers. You will give us leave therefore—in whom you have reposed special confidence—as your representative body, to suggest a few things which call for the serious attention of everyone who has the true interest of *America* at heart. We would therefore recommend to the Colony at large to cultivate that Christian Union, Harmony and tender affection which is the only foundation upon which our invaluable privileges can rest with any security, or our public measures be pursued with the least prospect of success.

We also recommend that a strict and inviolable regard be paid to the wise and judicious councils of the late American *Congress*, and particularly considering that the experience of almost every day points out to us the danger arising from the collection and movements of bodies of men, who, notwithstanding, we willingly hope would promote the common cause and serve the interest of their country, yet are in danger of pursuing a track which may cross the *general plan*, and so disconcert those publick measures which we view as of the greatest importance. We must, in the most express and urgent terms, recommend it that there may be no movements of this nature, but by the direction of the *Committees* of the respective Towns or Counties; and those *Committees*, at the same time, advising with this *Congress* or with the *Committee of Safety* in the recess of Congress, where the exigence of the case is not plainly too pressing to leave room for such advice.

We further recommend that the most industrious attention be paid to the cultivation of *Lands* and *American Manufactures*, in their various branches, especially the *Linen* and *Woolen;* and that the husbandry might be particularly managed with a view thereto—accordingly that the Farmer raise *Flax* and increase his *flock* of *sheep* to the extent of his ability.

We further recommend a serious and steady regard to the rules of *temperance, sobriety* and *righteousness*, and that those Laws which have heretofore been our security and defence from the hand of violence may still

answer all their former valuable purposes, though persons of vicious and corrupt minds would willingly take advantage from our present situation.

In a word, we seriously and earnestly recommend the practice of that pure and undefiled *religion* which embalmed the memory of our pious ancestors, as that alone upon which we can build a solid hope and confidence in the *Divine protection* and *favour*, without whose *blessing* all the measures of safety we have or can propose will end in our shame and disappointment.

MATTHEW THORNTON,
President.

As chairman of the New Hampshire Committee of Safety, he addressed the following letter to the Continental Congress:

In Committee of Safety, Exeter, June 19th, 1775.

Gentlemen:

The Congress of this Colony being under an adjournment, we have taken into consideration yours of yesterday, and are sorry that it is not in our Power to afford you any considerable Assistance in the Article of Powder.

In Consequence of the Resolves of the Continental Congress, which we received yesterday by express, we have this morning sent off six hundred weight out of our small stock, which we hope will come safe to hand, and have now resolved to send a Thousand weight more with all possible dispatch.

We have received (by report) an imperfect account of the engagement of the 17th inst., and of the devastations made by the enemies of America. We greatly regret the loss of *Dr. Warren*, of your Colony, as well as *Maj. McClary*, of ours, who, with others, as we are informed, fell in the engagement. As we are engaged in a just cause, we hope and trust the Supreme Ruler of all events will support us in our present contest, and that our liberties and privileges will finally be established on a solid foundation.

We are, Gentlemen, with great respect, yr. most ob't Humble Ser'vts.

By order of the Committee,

MATTHEW THORNTON,
Chairman.

As President of the Provincial Congress, Thornton wrote the following letter to the New Hampshire delegates to the Continental Congress:

In Provincial Congress, Exeter, September 1st, 1775.

Gentlemen:

We are fully satisfied that you have just Apprehensions of the Excellency of the English Constitution as originally formed for securing to all their just rights and Liberties, and the necessity of opposing by every proper Method, the Schemes and Devices of those who seek our Ruin, manifestly calculated to destroy the fundamental Principles of our happy Constitution. The Zeal you have always shewn and the services you have done for supporting the essential Principles of Liberty and opposing these Cruel Measures which have been devised for enslaving America leaves us no room to doubt of your steady Perseverance therein, which makes it unnecessary particularly to direct you respecting a Matter of which you are so fully acquainted.

In transacting the business you are appointed to, you will remember you are entrusted, as well on behalf of the whole united Colonies as of this in particular; you will therefore aim at such a plan for settling the present unhappy Dispute on such a Basis that the essential Principles of Liberty and Freedom be firmly established throughout the American Colonies, particularly that no Taxes be imposed by their own Representatives. That the right of Trial by Juries be fully maintained. That the officers for the Administration of Justice be appointed and supported in such a way as may most probably prevent their judgment from being biased. And that the despotic Court of Admiralty be no longer.

And if it should happen that a Plan for the establishing a form of Government in the respective Colonies should come under your consideration—You will have a Particular Regard to this Colony. That our establishment be such as shall secure our essential Rights, as fully as in the other Colonies. Especially that a full and equitable Representation be secured to us, and that the Court of Appeals, whereby the Trial by Juries is in many Instances superseded, be abolished.

And we would have you immediately use your utmost endeavours to obtain the Advice and Direction of the Congress with respect to a Method

for our Administering Justice and regulating our civil Police—we press you not to delay this matter as its being speedily done (your own knowledge of our circumstances must inform you) will probably prevent the greatest confusion among us.

We need not mention that from Time to Time you give us the earliest advice of such of your Proceedings as you are allowed to disclose.

MATTHEW THORNTON,
President.

The foregoing was voted for instructions to our Delegates, Josiah Bartlett and John Langdon, Esqrs., appointed to represent this Colony at the Continental Congress.

The Continental Congress having taken the foregoing instructions into consideration, resolved on November 3, 1775, that it be recommended to the Provincial Convention of New Hampshire to call a full and free representation of the people, and that the representatives, if they think it necessary, establish such a form of government as in their judgment would best produce the happiness of the people and most effectually secure peace and good order.

Thornton's duties as member of the Committee of Safety were multifarious and arduous, and it would seem as if at one time he was worn out by his labors. In a letter dated October 2, 1775, received by him from Langdon and Bartlett, from Philadelphia, Thornton was notified as follows:

"Before this comes to hand, doubtless you'll receive letter from our President, desiring your attendance at Head Quarters to consult with a Committee from this Congress relative to the army. DOCTR. FRANKLIN, Mr. LYNCH and COLONEL HARRISON are the Committee."

Thornton went to Cambridge to meet this committee, but they failed to appear, and he returned to Londonderry, where his wife was ill. In a letter to the Committee of Safety, dated October 16, 1775, he stated that his clothes had not been off "by one

night for ten past," but expressed his willingness to return to Cambridge if the health of his wife would permit.

On November 3, 1775, Thornton was appointed by the Provincial Congress on a committee to bring in a draft of a petition from that Congress to the Continental Congress setting forth the state of the Colony, and praying their direction for some speedy mode of government and execution of justice.

On November 13, 1775, he was made chairman of the committee to prepare a plan of representation for the people of the Colony in the future, the report of which committee, made on the following day, was adopted.

On November 15, 1775, it was voted that the thanks of the Congress be presented to the Hon. Matthew Thornton for his able and faithful conduct as President.

The Fifth Provincial Congress met at Exeter on December 21, 1775, and Thornton again represented Londonderry, and was, for a second time, chosen President of the Congress. On December 26th he was appointed on a committee to draw up a plan for the government of the Colony during the contest with Great Britain. On December 28th he was appointed a member of a committee to frame a plan of a new constitution for the Colony, and served as chairman of this committee. The report of the committee was made on January 5, 1776, and was adopted on the same day. This adoption of a constitution without recurrence to the people's vote is said by Ira Allen, in his history of Vermont, to have been a stretch of power. The people seem to have been satisfied with it, however, as it continued to be the constitution of New Hampshire until 1783. THIS WAS THE FIRST WRITTEN CONSTITUTION ADOPTED BY ANY OF THE AMERICAN COLONIES.

The adoption of this constitution was such an act of independence that it met with much opposition. The Committee of Safety of New Hampshire, on January 10, 1776, addressed a letter to its representatives in the Continental Congress, desiring them to lay the matter before Congress and to endeavor to obtain

their opinion thereon, saying "we expect uneasiness will remain until the same is obtained, which we hope WILL SETTLE THE DUST."

The reply of the Continental Congress was a resolution, passed on May 15, 1776, applicable to all the Colonies, recommending them "to adopt such government as shall in the opinion of the representatives of the people best conduce to the happiness and safety of their constituents in particular and America in general."

Under the constitution, as adopted, the Fifth Provincial Congress assumed the name, power and authority of a HOUSE OF REPRESENTATIVES OR ASSEMBLY for the Colony of the State of New Hampshire, and a separate branch of the Legislature was created, by the name of the COUNCIL, to be composed of twelve members to be chosen by the House of Representatives. It was also provided that no resolve or act should be valid unless agreed to and passed by both branches of the Legislature.

On January 5, 1776, Thornton was elected SPEAKER of the House of Representatives of New Hampshire; but having been chosen SECOND COUNCILOR, Meshech Weare being the first, it became necessary to have a new speaker appointed, which was done on January 8, 1776.

Thornton was appointed, on January 9, 1776, upon a committee to revise the laws.

On January 10, 1776, Thornton was chosen as the SECOND JUSTICE OF THE SUPERIOR COURT OF JUDICATURE for the Colony, and took the oath of office on the twelfth day of June following. At this time Meshech Weare was Chief Justice, and Leverett Hubbard and John Wentworth were the other Associate Justices. This seems an extraordinary preferment for a member of the medical profession, but it was not unusual in Colonial times for laymen to serve upon the bench, and Thornton had acquired a considerable experience on the bench of the Inferior Court of Common Pleas and in the Court of General Sessions of the Peace. The first Superior Court of Massachusetts under the provincial

charter had not a single trained lawyer on the bench. The story is told of one of the early Chief Justices of New Hampshire that, when a well-known lawyer attempted to read from a law book in a law argument, the Chief Justice asked him if he thought that he and his brethren did not know as much as those musty old worm-eaten books. The lawyer replied: "These books contain the wisdom of the ancient sages of the law." The Justice answered: "Well, do you think we do not understand the principles of justice as well as the old wigged lawyers of the dark ages did?" It was also said of the same Justice that when a previous decision was stated at the bar as an authority he usually replied: "Every tub must stand on its own bottom."

In the court as constituted at the time of Thornton's membership, Hubbard was the only Justice who was a lawyer, and for many years there were not more than two justices in this Court who were lawyers. It is said by one of Thornton's biographers that, having never read law as a science, he was not acquainted with its principles, or the import of its technical language, and that hence he was at times grossly inattentive to the arguments of lawyers in the trial suits, and he cites as an example an instance said to have been narrated by Thornton himself, as follows:

"When I was on the bench of the Superior Court, John Pickering, who was distinguished as a lawyer, observing Judge Dudley's eyes shut and that I was reading Tom Jones, turned his back upon the Court and said to the jury that if he could not receive the attention of the Court to his client's cause, he hoped he should obtain theirs. I then replied: 'As soon as you come to the point, I will lay my book aside.' In this, the biographer states, the Judge violated the law of decorum and propriety. The accuracy of the biographer is so much at fault that it is impossible to determine whether this incident was narrated to him by Thornton or by some subsequent judge, inasmuch as Judge Dudley did not come to the Superior Court until December 20, 1784, and Thornton's service on the bench of that court ended in 1782.

Something might also be said in behalf of Judge Dudley and the other offending justice. However this may be, Thornton seems to have given satisfaction upon the bench, as, when he resigned his commission in June, 1782, such was the esteem in which he was held that he was immediately reappointed, which honor, however, he felt obliged to decline.

A number of letters were written to Thornton by General Washington, from Cambridge, in January, 1776. Many perplexing questions and difficulties arose in the enlistment and equipment of the American army. There was a great deficiency of firearms, and Washington had much difficulty in preventing the soldiers who would not re-enlist from carrying away their arms. In a letter dated January 13, 1776, Washington inquired of Thornton whether any arms were to be procured for the army, and also sought his opinion on the difficult questions, whether it would be prudent to apply to the New Hampshire militia for their arms, and whether the necessity of the case would justify an involuntary detention of them. Leaving it optional, Washington thought, could not be amiss; but he seemed in doubt about the involuntary detention of the arms of those who were unwilling to give them up.

The general army officers in council on January 15, 1776, determined that thirteen regiments should be raised, of which New Hampshire was to furnish two, which fact was announced by Washington to Thornton by letter dated January 16, 1776. New Hampshire was ever ready to comply with the demands made upon her, and appointed Thornton and Josiah Moulton a committee to wait on Washington in regard to the enlistment. The instructions to the committee directed them to proceed to the camp and to make inquiries in regard to the enlistments for a regiment under General John Sullivan, of New Hampshire, and authorized the committee, if absolutely necessary, to agree to advance a month's pay to the regiment. The committee evidently acted with promptness, as in a letter from General Sullivan,

dated at Winter Hill on January 26, 1776, he speaks of having had the pleasure of seeing on that day the worthy gentlemen of the committee.

Thornton continued to be appointed on all the important committees of the New Hampshire House of Representatives, and finally, on July 5, 1776, was made a member of the COMMITTEE OF SAFETY, which was given power to transact all the business of both houses during recess.

By resolution of the Continental Congress passed March 14, 1776, it had been recommended to the Committees of Safety and other representative bodies of the different Colonies to cause all persons to be disarmed who were notoriously disaffected to the cause of America, or "who have not associated and refuse to associate, to defend by ARMS, the United Colonies against the Hostile attempts of the British Fleets and Armies." Acting under this suggestion, the Committee of Safety of New Hampshire caused what is known as the "ASSOCIATION TEST" to be sent to the selectmen of each town, requesting them to desire all males above twenty-one years of age (lunatics, idiots and negroes excepted) to sign to the declaration, and to make return thereof, together with all the names of those who refused to sign, to the General Assembly or Committee of Safety of the Colony.

The declaration was as follows:

"We, the Subscribers, do hereby solemnly engage and promise that we will to the utmost of our power at the Risque of our Lives and Fortunes, with arms, oppose the Hostile proceedings of the British Fleets and Armies against the United American Colonies."

John Farmer, who compiled the association tests of the towns of New Hampshire, referring to them, says:

"The preceding Text was the DECLARATION OF INDEPENDENCE BY THE PEOPLE OF NEW HAMPSHIRE. It was a similar act to that of the Patriots who signed the National Declaration on the 4th July, 1776. (?) It preceded that event, and seems to have been a

sanction or an encouragement to those who contemplated it. It was a bold and hazardous step in subjects thus to resist the authority of one of the most powerful Sovereigns in the world. Had the cause in which these men pledged their Lives and Fortunes failed it would have subjected every individual who signed it to the pains and penalties of treason; to a cruel and ignominious death."

The association test was sent to the selectmen of Londonderry in April, 1776, and was returned by them to the Committee of Safety on June 24, 1776, with 375 signatures, of which that of Matthew Thornton was the FIRST. In the whole Colony of New Hampshire 8199 persons signed the test, and 773 refused to sign.

The adoption of a constitution by New Hampshire in January, 1776, was followed by another act of independence when her House of Representatives voted on June 11, 1776, that a committee of their house join a committee of the Board of Councilors to make a draft of "a DECLARATION OF THIS GENERAL ASSEMBLY FOR INDEPENDENCE OF THE UNITED COLONIES, ON GREAT BRITAIN." This resolution was, on the same day, brought before the Council of which Thornton was a member, and concurred in with this amendment: "That the Committee prepare a draft setting forth the sentiments and opinion of the Council and Assembly of this Colony relative to the United Colonies forming themselves into Independent States, in order that when passed the same may be transmitted to our delegates at the Continental Congress . . ." This amendment was concurred in by the House.

The draft of the declaration for independence, reported by the joint committee of both houses, declared as follows:

"That it is the opinion of this Assembly that our Delegates at the Continental Congress should be instructed, and they are hereby instructed to join with the other Colonies in DECLARING THE THIRTEEN UNITED COLONIES A FREE AND INDEPENDENT STATE; Solemnly Pledging our Faith and Honor that we will on our parts

Support the Measure with our Lives and Fortunes, and that in consequence thereof, They, the Continental Congress, on whose Wisdom, Fidelity and Integrity we rely, May enter into and form such Alliances as they may Judge most conducive to the Present Safety and Future advantage of These American Colonies." On June 15, 1776, it was voted unanimously by the House of Representatives that the report of the committee be accepted, and that the draft brought in by them be sent to the New Hampshire delegates at the Continental Congress forthwith "as the SENCE of this House." This was the second declaration of independence in which Thornton had taken part, and the instructions contained in the foregoing resolution subsequently applied to him, when, as delegate to the Continental Congress, it became his duty as one of the representatives of New Hampshire to join in the authentication of the historic Declaration of Independence. Thornton became a delegate to the Continental Congress under the following circumstances:

On January 23, 1776, the House of Representatives of New Hampshire voted as follows:

"That JOSIAH BARTLETT, JOHN LANGDON and WILLIAM WHIPPLE, Esq., be and hereby are appointed delegates to represent this Colony in the Continental Congress at Philadelphia, for the term of one year from this time, any one of them (in the absence of the others) to have full power to represent the Colony, and that not more than two of them attend at one time."

This resolution was extraordinary, appointing, as it did, three delegates, each with full power, but directing that not more than two of them attend at one time. When it is considered that all the votes in the Continental Congress were by Colonies, the majority of votes in each delegation determining the vote of that Colony, it becomes apparent that the effect of the direction that not more than two delegates attend at one time would be to nullify the representation of the Colony in case the two delegates who happened to be in attendance were divided upon any ques-

tion. Moreover, how was it to be determined which two of the delegates should attend? Langdon certainly had as good a right to attend as either Bartlett or Whipple, and, if the order of naming in the resolution of appointment be deemed of any weight, it might be claimed that his right to attend was superior to that of Whipple. The conclusion seems irresistible that the last clause of the resolution was not jurisdictional and prohibitive, but served merely as a request that not more than two of the delegates should attend at one time. This resolution is cited by John Langdon Elwyn in his "Some Account of John Langdon," as an explanation of the fact that Langdon's name was not affixed to the Declaration of Independence. The real reason, however, was that when the Declaration was signed Langdon was no longer a delegate to the Continental Congress.

Langdon, who was from Portsmouth, was greatly interested in marine affairs, and desired to be appointed CONTINENTAL AGENT OF PRIZES for the Colony of New Hampshire. The facts in regard to his appointment as Continental Agent, which necessitated his resignation as a delegate to the Continental Congress, are best gathered from the letters of the New Hampshire delegates to the Continental Congress. These facts are the more interesting as the case of John Langdon was the FIRST IN THE HISTORY OF THIS COUNTRY to raise the question of THE RIGHT OF A MEMBER OF THE CONGRESS OF THE UNITED STATES TO HOLD OFFICE UNDER THE UNITED STATES DURING HIS CONTINUANCE IN CONGRESS. It is interesting to note, also, that the provision of the Constitution of the United States that "no person holding any office under the United States shall be a member of either house during his continuance in office," was subsequently approved by John Langdon himself when the United States Constitution, adopted on September 17, 1787, was ratified by him as one of the representatives of the State of New Hampshire.

It was quite natural that Langdon should surrender the distinguished honor of being a delegate to the Continental Con-

gress, with reluctance, and it is easy to understand how his fellow-delegates were equally reluctant to lose the services of so active and sterling a patriot.

WHIPPLE wrote to Langdon from Philadelphia on April 6, 1776:

"I received yours as to the Agency. I wrote you that I had nominated you in committee, where there was no objection, nor did I imagine there would be in Congress; but I was mistaken, for when the nomination came before Congress there were objections from every part of the room, on account of your being a member. It was proposed to put off, which I did not object to, finding I should not be able to carry it at that time. THERE HAS SINCE BEEN A MOTION THAT NO MEMBER OF CONGRESS SHALL HOLD ANY LUCRATIVE OFFICE. If this should not obtain, I shall make another attempt. YOU SAY YOU WILL RESIGN YOUR SEAT IN CONGRESS RATHER THAN NOT HAVE THE AGENCY. If my voice can have any weight with you, you certainly will not."

WHIPPLE again wrote on June 17, 1776:

"I find there is no possibility of getting you appointed agent while you have a seat in Congress; and if you are not appointed, I am apprehensive the present acting agent will be confirmed. I have already told many of the members that you intended to resign your seat here."

"If you determine to resign, SHALL HAVE YOU APPOINTED AS SOON AS I KNOW OF YOUR RESIGNATION. I must confess I am loath you should give up your seat; but if it is your choice, I hope you will see that a proper person is appointed to supply your place."

BARTLETT wrote on June 17, 1776:

"I have taken every opportunity to mention to the members the affair of the agency, and am surprised to FIND ALL OF THEM AGREEING THAT NO MEMBER OF CONGRESS OUGHT TO BE APPOINTED TO ANY POST OF PROFIT UNDER THE CONGRESS; so that, as you

are a member, I am sure it will not go down, and I am by no means willing you should resign your seat here."

"I should take great pleasure in recommending some active berth for you, but while you continue a member of Congress, it will not take effect."

WHIPPLE wrote on June 24, 1776:

"I am just come from the Committee, and have once more got their unanimous consent to nominate you for agent. I think there is no doubt but you will be appointed, BUT BELIEVE IT TO BE IN EXPECTATION THAT YOU RESIGN YOUR SEAT IN CONGRESS, which I have assured all the members that I have mentioned the matter to, that you are determined on. In return for my exertions in this matter, I think I have a right to expect that you will use your endeavors to get a good man appointed in your stead to come here."

Although the agents for the other Colonies had been appointed on April 23, 1776, the appointment of John Langdon was delayed, on account of his being a member of Congress, until June 25, 1776, when, on the recommendation of the Maine Committee, he was appointed Agent of Prizes for the Colony of New Hampshire, under the conditions shown by the letters of Whipple and Bartlett, who secured the appointment.

In announcing this appointment to Langdon by letter, dated at Philadelphia on June 26, 1776, JOSIAH BARTLETT said:

"I know not whether to congratulate or condole with you on your appointment to the agency, AS YOUR ACCEPTANCE OF THAT OFFICE MUST VACATE YOUR SEAT IN CONGRESS, and tho' I did what was in my power to procure that Berth for you, as I knew it was your desire, and that you would perform the business well, yet I must confess it gave me no pleasure, when I knew on what condition only you must have it; resigning your seat here."

BARTLETT also wrote Langdon, on July 15, 1776, as follows:

"Yours of the 1st instant is now before me, and I am obliged to you for your intelligence. The affair of the agency,

you have heard, is settled, and in your favour, and I hope another Delegate will be appointed to attend Congress, AS YOU HAVE RESIGNED."

What action, if any, was taken by the Continental Congress on the motion referred to by Whipple in his letter of April 6, 1776, is not known. The reports of the proceedings of the Continental Congress are notoriously incomplete. It is evident, however, both from the letters of the New Hampshire delegates and from the subsequent action of Congress, what its temper was on the question of the appointment of a member of Congress to an office of emolument. Langdon's fellow-citizens quickly adopted the position taken on this question by the members of the Continental Congress, and at a public meeting of the inhabitants of Portsmouth, held on July 31, 1776, it was voted that their representatives at the General Assembly be instructed to endeavor to procure the enactment of a law that no member of any future Assembly hold any other place in government than his seat in said Assembly, and that when any such shall be chosen and accept of a place, his seat shall become vacant; and that they did not consent that any person should hold more than one place in government at a time.

It is an interesting question whether Congress did not pass a resolution on that subject prior to the adoption, on July 9, 1778, of the Articles of Confederation, which contained the following:

"Nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or another for his benefit, receives any salary, fees, or emolument of any kind."

However this may be, it is evident from the statements of Whipple and Bartlett, who procured the appointment of Langdon as Continental Agent, that such appointment was procured only upon the condition that Langdon's acceptance of the agency would vacate his seat in the Continental Congress. Under these

circumstances, the acceptance of the agency by Langdon in June, 1776, vacated his office as a delegate, and for this reason he was unable to authenticate the Declaration of Independence as one of the representatives of New Hampshire. This duty passed to his successor, Matthew Thornton.

The House of Representatives of New Hampshire, not having had its attention called to the vacancy in its representation to the Continental Congress, and not having heard of the adoption of the Declaration of Independence, adjourned on July 6th to September 4, 1776.

The following account of the reception in the capital of New Hampshire, of the first official intelligence of the adoption of the Declaration of Independence, is given by Charles H. Bell in his history of Exeter:

"On the 18th day of July, 1776, a courier rode into the village bringing with him a package addressed to the chief executive of New Hampshire, containing the immortal Declaration of American Independence, under the authentication of John Hancock, President of Congress. As soon as its contents were ascertained, it was determined that the paper should be publicly read to the citizens forthwith. . . . John Taylor Gilman was chosen for the signal honor of reading for the first time in the capital of the State the charter of American freedom. Prominent among his hearers were Meshech Weare, the President of the State, Matthew Thornton, who was himself a few months later to set his hand to the Declaration (and others named), all sterling patriots and members of the Committee of Safety."

On September 12, 1776, shortly after the reassembling of the House of Representatives of New Hampshire, it was voted by that body that Matthew Thornton be a delegate to represent the State of New Hampshire at the Continental Congress, for one year next ensuing. It is to be noted that this resolution contains no limitation or restriction on Thornton's right to attend the Continental Congress, although Bartlett and Whipple were still

delegates; neither did it state that Thornton was appointed in the place of Langdon, although it seems that such was the fact; nor was he appointed for the unexpired term of the latter, but for an entirely new and distinct term. At that time Bartlett seems to have been the only New Hampshire delegate present at the Continental Congress. In a letter written by him to John Langdon, dated at Philadelphia, on September 23, 1776, Bartlett said:

"I hope Colonel Whipple and your successor as a Delegate are now setting off for this city to relieve me. I am very anxious to have them here as some very important affairs are before the Congress, and my health will not permit my constant attendance; and I am loth to be absent, as you know the voice of a single Colony is often very important."

At the time of Thornton's appointment as a delegate to the Continental Congress, he was holding court with the other justices of the Superior Court, at Exeter, for the County of Rockingham. He was also obliged to be present at the term of that court which was held at Amherst, for the County of Hillsborough, on the fourth Tuesday of September, 1776. Consequently he was unable to leave for Philadelphia until October 15th. A journey from Londonderry to Philadelphia, in those days and under the circumstances of that time, was no easy matter, and it took Thornton until November 3d to make the journey. In a letter by him to Meshech Weare, announcing his safe arrival at Philadelphia, he says: "The ferries over North River were so obstructed by the enemy, we were obliged to cross at a place called PEEKSKILL, where I saw Colonel Tash, who used me exceedingly well."

On November 4th, the day after his arrival in Philadelphia, Thornton presented his credentials as a delegate to the Continental Congress, and signed the Declaration of Independence.

The facts in regard to the signing of the Declaration of Independence are not generally known. Jefferson and Adams, many years after the event, thought that it was signed by the members present on July 4, 1776. Webster, Force, Winthrop, Bancroft,

and most subsequent investigators, are agreed that the President and Secretary of Congress were the only ones who signed it on that day. Jefferson and Adams were undoubtedly misled by the printed Journal of Congress. As stated by Mellen Chamberlain, author of "The Authentication of the Declaration of Independence": "The fact is, the printed Journal is not a copy of the record of that day, and was made up without due regard to the sequence of proceedings, when prepared by a committee for the press in the early part of 1777. It appears that the vote of January 18, 1777, ordering the Declaration to be printed with the names attached—then for the first time done—made it convenient to use this printed record in making the published Journal entry under July 4th." This theory is borne out by the fact that, ACCORDING TO THE PRINTED JOURNAL, the Declaration was signed on July 4th by the following members of Congress, whereas they could not have signed it on that day for the reasons hereinafter given.

By the New York members; as they were not authorized to sign until July 9th, and their authority to sign was not laid before the Continental Congress until July 15th.

By Chase, of Maryland; as he was not present on July 4th.

By Carroll, of Maryland; as he did not take his seat until July 18th.

By Rush, Clymer, Taylor and Ross, of Pennsylvania; as they were not chosen delegates until July 20th.

By Thornton, of New Hampshire; as he was not chosen delegate until September 12th.

There is no dispute, however, as to the facts relating to the signing of the ENGROSSED Declaration of Independence, which is now carefully preserved in Independence Hall, Philadelphia, and which was executed in compliance with the following resolution of the Continental Congress:

"July 19, 1776. Resolved, That the Declaration passed on the 4th be fairly engrossed on parchment, with the title and style of 'THE UNANIMOUS DECLARATION OF THE THIRTEEN UNITED

STATES OF AMERICA,' and that the same, when engrossed, be signed by every member of Congress."

The records of Congress also show that on August 2, 1776, the Declaration of Independence, being engrossed and compared at the table, was signed by the members. It was not then signed by all of the members whose names are subscribed to it, as Matthew Thornton was not appointed until September 12th, and did not sign until November 4, 1776, and Thomas McKean, of Delaware, who was absent with the army, did not affix his signature until 1781.

JEFFERSON, in a letter to Samuel Adams Wells, under date of May 12, 1819, said:

"Why the signature of Thornton, of New Hampshire, was permitted so late as the 4th of November I cannot now say."

Judge MELLEN CHAMBERLAIN, in his "Authentication of the Declaration of Independence," says:

"When Thornton came down from New Hampshire in November, he doubtless signed the parchment Declaration in compliance with the order of July 19 'that the same, when engrossed, be signed by every member of Congress.' Though coming late, Thornton was a member of that Congress."

The fact that the signer had voted for the adoption of the Declaration was not regarded as a necessary qualification for the authentication of that instrument. Had it been, the names of Floyd, Livingston, Lewis and Morris, of New York; of Chase and Carroll, of Maryland; of Rush, Clymer, Taylor and Ross, of Pennsylvania, as well as Thornton, of New Hampshire, could not have been appended to the engrossed Declaration.

It would seem that the instrument itself would, upon its face, determine the right of all these well-known patriots to affix their signatures to the historic document. By whom did the Declaration purport to be made? The instrument itself answers:

"We, therefore, the REPRESENTATIVES of the United States of America, in General Congress assembled, appealing to the

Supreme Judge of the world, for the rectitude of our intentions, do in the name, and BY AUTHORITY OF THE GOOD PEOPLE OF THESE COLONIES, solemnly publish and declare . . ."

It purports, therefore, to be a declaration by the REPRESENTATIVES of the (then) States, in the name and by the AUTHORITY of the PEOPLE of the Colonies. It would appear, therefore, that, OUTSIDE OF ANY RESOLUTION of the General Congress, when this document came to be authenticated by the representatives of the different Colonies, it might as a matter of right, and not of permission, be signed by all the representatives of each Colony, in the name of and by the authority of the people of such Colony. The people of New York, Maryland, Pennsylvania and New Hampshire were entitled to have the votes of their Colonies authenticated by all of their representatives, and conversely, all of the representatives of each of the States named were entitled to act for their several States. New Hampshire had appointed three representatives, each with full power, and all were entitled to join in the Declaration in her behalf. It would seem not only to have been Thornton's right, but his duty, to join in that instrument, especially in view of the instructions from New Hampshire, under the resolution passed by her General Assembly on June 15, 1776, whereby her delegates to the Continental Congress were instructed to join with the other Colonies "in Declaring the Thirteen United Colonies a Free and Independent State," which instructions Thornton himself, as a member of the New Hampshire Council, joined in passing, thereby solemnly pledging his faith and honor that he would support the measure "with his life and fortune."

Between the second day of August, 1776, when the Declaration was signed by most of the representatives, and the fourth day of November, 1776, when it was signed by Thornton, the American cause had suffered some severe and discouraging reverses. The disastrous battle of Long Island had been fought on August 27th, the British had taken New York on September 15th, and the outlook must have been discouraging to even the most hopeful

patriot in the American cause. To sign the Declaration at that time was not the act of a seeker for notoriety, but that of a true patriot. The lives and fortunes of all who had signed the Declaration of Independence being at stake, Congress kept their names safely guarded until January 18, 1777, when it passed the following resolution:

"Ordered, That an authenticated copy of the Declaration of Independency, WITH THE NAMES OF THE MEMBERS OF CONGRESS SUBSCRIBING THE SAME, be sent to each of the United States, and they be desired to have the same put upon record."

In compliance with the foregoing resolution, such a copy of the Declaration and list of names of the signers was sent to the Assembly of New Hampshire by the President of Congress, with the following letter:

Baltimore, Jan. 31st, 1777.

Gentlemen:

As there is not a more distinguished event in the History of America than the Declaration of her Independence, nor any that, in all probability, will so much excite the attention of future ages, it is highly proper that the memory of that Transaction should be preserved in the most careful manner that can be devised.

I am therefore commanded by Congress to transmit you the enclosed Copy of the Act of Independence, with the List of the several Members of Congress subscribed thereto, and to request that you will cause the same to be put upon Record that it may henceforth form a part of the Archives of your State, and remain a lasting Testimony of your approbation of that necessary and important Measure.

I have the honor to be,
Gentlemen, your most obed. servt.,

Honble. Assembly of
the State of New Hampshire.

JOHN HANCOCK,
Presidt.

The Declaration of Independence is written in the journal of the New Hampshire House of Representatives, in a large, bold and legible hand, with RED INK.

Thornton is said to have been assiduous in the performance of his duties in the Congress. As shown by the following letter, written by him to Meshech Weare, he took a strong interest in the welfare of the American army:

Baltimore, 25 December, 1776.

Honoured Sir:

The near approach of the enemy to Philadelphia, the slowness of the Militia, and the advice of friends, induced the Congress to adjourn to this town which is about 110 miles southwest from Philadelphia. By our last advices the Militia are joining our Army in great numbers, from which we have great hopes that General Howe and his Army will soon be in our power or return to New York. The Congress have encouragement of assistance in the spring. Nothing will be wanting on their part to support independence, defeat the enemy and render the United States great, honourable and happy.

An inexcusable neglect in the officers, want of fidelity, honour, and humanity in the doctors, and avarice in the suttlers, has slain ten soldiers to the enemy's one, and will soon prevent every man of common sense from putting his life and fortune in the power of such as destroy both without pity or mercy.

. . . . . .

MATTHEW THORNTON.

To Meshech Weare.

The House of Representatives of New Hampshire, on December 23, 1776, conferred the additional honor on Thornton of appointing him a delegate to the Continental Congress, for the term of one year from January 23, 1777. Thornton, however, was unable to serve out his new term, and was obliged to ask leave to return to his home in the following spring, in consequence of the condition in which he was left after being inoculated for the smallpox on November 8, 1776. The result of this illness was such a weakness of his eyes that it interfered with the performance of his duties. The following letter from Thornton shows how philosophically he took his confinement with smallpox.

It also contains his resignation from the Continental Congress, to take effect in the following spring.

Baltimore, 23d January, A. D. 1777.

Honoured Sir:

October 15th left home, and experienced the truth of the following lines:

> Soon varying nature shifteth every scene,
> Rough ways succeed the smooth, storms the serene, &c.

Arrived at Philadelphia the 3d of November. The 8th was inoculated for the Small Pox, and during our confinement we had the honor to be attended by Dr. *Cash*, Dr. *Surly*, Dr. *Critical Observer*, Dr. *Gay*, and Dr. *Experience*, in the following order, viz:

Between the hours of 10 and 11 A. M. Dr. *Cash:* "How is't, Sir and Mad'm?" and whatever our complaints were, his answer was: "All's pretty," and vanished in a second. He was the operator, and for a few days visited us as above, and we saw no more of him till I paid his bill of 18 dollars.

Dr. *Surly* came two or three times each day as a friend, viewed us through his glasses, and then, with a smiling grin, softly said: "What! no worse yet? This is but trifling to what you will feel before all is over."

Dr. *Critical Observer*, a young doctor that told me he would critically observe every stage of the Small Pox in us, to gain experience, came once in two or three days, and stayed about a minute each time.

Dr. *Gay*, a young doctor that came as a friend two or three times every day, tripped round and sung a tune, and told us "all would end well."

Dr. *Experience*, a merchant who has had the Small Pox, visited us every day, and gave a much truer account of the Small Pox than all the doctors.

Soon after we got about, the news of Howe's army, on their march to Philadelphia, induced the Congress to adjourn to this town, where the man with boots has very great advantages of a man with shoes. The carriages are stopped by the depth of the mire in the middle of the street. The ladies, with silk gowns and shoes, make a fine figure. From the time we left home, the prayers and graces became shorter every stage, until we hear neither. The religion is: take all advantage, pay your debt, and do as you please.

By the assistance of my worthy colleague and good friends, we obtained a grant of 100,000 dollars, which we send per the bearer, and are obliged to detain him till the Massachusetts money, &c., is ready. Pray, Sir, take the trouble to present my compliments and thanks to the Hon. Council and House for the late unmerited additional honor of beginning my appointment the 23d of January, and inform them *that my constitution and circumstances oblige me humbly to ask leave to return home next spring.* The necessity of having good men in Congress is so evident, that I shall only beg they may be sent in time. For public news I must refer you to the bearer. The Congress are doing all in their power to procure assistance, foreign and domestick. May God give success, Wisdom to the Councils, and success to the arms of America, is the prayer and constant desire of,

Sir, your most obedient humble Servant,

Hon. Meshech Weare, Esq., MATTHEW THORNTON.
Pres. of the Hon. Council of N. H.

Thornton returned to New Hampshire in the spring of 1777, his successor in the Continental Congress having been appointed on April 1, 1777. In the fall of that year he was able to resume the performance of his judicial duties, and sat at the September terms of the Superior Court held at Exeter for the County of Rockingham, and at Amherst for the County of Hillsborough. He was also present at the terms held at Portsmouth in March, 1778; at Exeter and Amherst, in September, 1778; at Amherst in February, 1779; at Portsmouth, in March, 1779; and at Amherst and Exeter, in September, 1779. At the term of court last referred to there came on for trial, before a jury, the case of Matthew Thornton, of Thornton, in the County of Grafton, New Hampshire, who had been indicted for treason at Bennington on August 16, 1777. The prisoner was a nephew of the Hon. Matthew Thornton, who did not sit at the trial on account of his kinship to the accused. The jury found the prisoner not guilty of the charge, but it must have been the cause of much sorrow to such a patriot as Judge Thornton to have his nephew brought before his court charged with treason.

Judge Thornton attended the terms of the Superior Court, held at Portsmouth, in May, 1780; at Exeter and Amherst, in September, 1780; at Amherst, in February, 1781; at Portsmouth, in March, 1781; at Exeter and Amherst, in September, 1781; and at Portsmouth, in March, 1782. At the September term in 1782, the commission of Hon. Matthew Thornton as one of the justices of the court was published, but he having declined to take his seat on the bench, Josiah Bartlett was appointed in his place.

The Legislature of New Hampshire passed an act on February 25, 1778, providing for the election of delegates to meet at Concord, on June 8, 1778, to form a new plan of government, and Thornton was elected a delegate from Londonderry. This convention did not complete its labors until June 5, 1779, when it submitted a constitution for adoption by the people, and Thornton and Bartlett were appointed to print and transmit the same to the different towns.

Matthew Thornton had a niece, named Catherine Wasson, who bore a brave and useful part in the Revolution. She was the daughter of a sister of Matthew Thornton, named Agnes, who married Dr. James D. Wasson, and she was born in Leicester, Massachusetts, in 1737. Dr. Wasson and his wife were among the early settlers of the New York frontier, where their home was at Amsterdam, near the Mohawk River. There Catherine Wasson knew as a playmate of her brothers, Joseph Brandt, or THAYENDANEGEA, who, as chief the Mohawks, subsequently wrought such havoc throughout the New York frontier. Catherine Wasson was married in 1761, at Schenectady, to Colonel Samuel Clyde, whose father, Daniel, had emigrated from Londonderry, Ireland, to Londonderry, New Hampshire, about 1732. The Clydes came originally from the River Clyde in Scotland. In 1762 Colonel Clyde and his wife moved to Cherry Valley, where six years later he purchased a farm about a mile from the present village, the ownership of which has to this day remained in the Clyde family. Colonel Clyde was a brave officer and was a conspicuous partici-

After Colonel Clyde returned, with his family, to Cherry Valley, in 1784, most of his time was occupied in his duties as Sheriff of Montgomery County, and Mrs. Clyde took charge of the farm, with her young children. She did all she could to redeem it from the wilderness and to encourage them in their labors. Colonel Clyde, by his kindness of heart and sympathy for unfortunate debtors, became financially embarrassed, and after his death in 1790, his farm was sold at sheriff's sale. Mrs. Clyde bought the farm, and by the help of her children paid for it. She died on May 31, 1824, at the age of 87, and was buried in Cherry Valley on the ground occupied as a fort at the time of the massacre. Morrison, in his history of Windham, New Hampshire, says of Mrs. Clyde that she was patriotic, resolute, energetic, had a fine education, and was a woman of fine character. Hon. J. D. Hammond, who was personally acquainted with her, said of her: "During the revolutionary war she embraced every opportunity to converse with young men, and to impress on their minds the inestimable value of the rights for which America was contending, of the duty of all citizens to hazard everything, even life itself, in their defense, and of the glory which would be the reward of patriotism. These conversations are said to have had a great effect on the minds of those to whom they were addressed."

Many of the children of Mrs. Clyde, whose lives were so bravely saved by her, and their descendants, afterwards attained distinction, both in civil life and in the service of their country in the Civil War.

This Daughter of the Revolution was a kinswoman in whom the Hon. Matthew Thornton might feel the deepest pride.

After a residence of more than thirty years in Londonderry, Matthew Thornton decided to move to Exeter. The fact that he was obliged to hold court at Exeter and Portsmouth was undoubtedly the cause of his change of residence. On December 19, 1778, Judge Thornton purchased from Jonathan Norris, his farm of fifty acres, on the Kingston Road, about two miles from the

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village of Exeter. He did not, however, sell his house in Londonderry until April 15, 1779, when he conveyed it, with his pew in Rev. William Davidson's Meeting House. He was of Londonderry as late as June 25, 1779, but shortly after that time moved to Exeter. On December 16, 1779, he was chosen Councilor for the years 1779 and 1780.

In 1780, Thornton moved from Exeter to Merrimack, where he resided until his death. He bought the Lutwyche farm near the ferry which crossed the Merrimack River to Litchfield. This ferry had been granted to Edward G. Lutwyche in 1767. Thornton bought the Lutwyche farm in 1781, and in 1784 the legislature granted him the exclusive right of keeping a ferry for two miles above and two miles below his house. This place has ever since been known as Thornton's Ferry.

On December 29, 1781, Thornton wrote to Meshech Weare, President of the Council of New Hampshire, with respect to the difficulties between Vermont and New Hampshire in regard to their boundary lines, as follows:

Merrimack, 29th Dec. A. D. 1781.

Honble. and Dear Sir:

The Vermont affair grieves me more than our war with Great Britain. Heathens were shocked when brother killed brother in battle; how much more ought Christians to shudder at the very thought of brother killing brother about a line of jurisdiction. For mercy's sake, Sir, if possible, prevent every hostile measure until the honble. Continental Congress explicitly fixes their bounds, and informs them what to depend upon and New Hampshire how to conduct. Taking one man may begin a war, but when or how it will end the Great Ruler only knows. From the best information, a great majority on both sides of the river will acquiesce in the determination of Congress. If so, and we wait, all will be peace. If they will not, and we wait, it will be the thirteen United States against the Vermonters. If we do not wait, it may be called a premature act of New Hampshire. I know it is said take a few of the leaders, and the rest will submit. The British Ministry reasoned the same way about Americans. What will the rest be about

while our men are taking and bringing away the few? Send an army before they are prepared, many say. They are prepared to begin a war whenever we provoke them, and I presume it will be done very soon. Give them time, and they will join with the Britains, Canadians and Indians, are thought powerful reasons for expedition. I think for procrastination, because they have had time, sufficient time, already, and if they intend to prosecute that scheme, it is not best to begin. If so, it ought to be the thirteen United States, and not one of the smallest, to engage them. The power of making war or peace is delegated to the honble. Continental Congress, and it would be impertinent to ask if one has the power that every State has given up to Congress. Pray, Sir, excuse this trouble. It does not come to dictate, but to ease my mind, anxious for my country, and the peace and happiness of mankind.

I humbly submit the aforesaid thoughts and the enclosed to your better judgment, and have the honor to be

Your most obedient and very humble servant,

The Honble. Meshech Weare, MATTHEW THORNTON.
Pres. of the Council State of N. H.

The foregoing letter enclosed the elegiac lines which follow, in memory of Colonel ALEXANDER SCAMMEL, who was an adjutant-general in the Continental army. At the siege of Yorktown he was officer of the day on September 30, 1780, and while reconnoitering the enemy's position was surprised by a party of their horse, taken prisoner and afterwards barbarously wounded, of which wound he died on October 6, 1781, at the age of thirty-three. He was graduated from Harvard in 1769; was subsequently a surveyor, and studied law under General John Sullivan, of Durham, New Hampshire.

Elegiac lines to the memory of COLONEL ALEXANDER SCAMMEL, written by Matthew Thornton:

Ye weeping Muses, Graces, Virtues, tell
How all-accomplished COL'NEL SCAMMEL fell;
You, nor afflicted heroes ne'er deplor'd
A loss like that these plaintive lines record.

Such spotless honor, such ingenuous truth,
Such ripen'd wisdom in the bloom of youth.
So mild, so gentle, so compos'd a mind,
To such heroic warmth and courage join'd.
His early youth was nurs'd in learning's arms,
For nobler war, forsook her peaceful charms;
He was possess'd of every pleasing art,
The secret joy of every honest heart;
He was cut off in youthful glory's pride,
Yet unrepining for his country died.

On December 8, 1783, Thornton was chosen by the towns of Merrimack and Bedford as their representative in the Legislature. In 1785 he was chosen a member of the Council, and was appointed a Justice of the Peace and of the Quorum throughout the State, and so continued until his death.

He again represented the town of Merrimack in the State Legislature of 1786.

He was elected State Senator for Hillsborough County for the years 1784–5, 1785–6, 1786–7.

On June 10, 1785, he was chosen second councilor.

His wife's death in December, 1786, and that of his son Andrew in April, 1787, together with his own infirmities, caused his retirement from public life.

During the last few years of his life he wrote political essays for the newspapers, and interested himself in writing a philosophical work with the following comprehensive title:

"Paradise Lost; or the Origin of the Evil called Sin examined; or how it ever did or ever can come to pass, that a creature should or could do anything unfit or improper for that creature to do; or how it ever did, or ever can come to pass, that a creature should or could omit, or leave undone what that creature ought to have done, or was fit and proper for that creature to do; or how it ever was, or can be possible for a creature to displease the Creator in Thought, Word or Action."

Matthew Thornton died at the age of eighty-nine years, in Newburyport, Massachusetts, on June 24, 1803, while visiting at the home of his daughter, Hannah Thornton, wife of John McGaw.

He was buried at Thornton's Ferry, New Hampshire, on a part of his farm which he had given to the town as a place of burial.

The Sunday after the funeral, the Rev. Jacob Burnap, the minister settled in Merrimack, preached a funeral sermon in commemoration of the life and services of Matthew Thornton, of which the following is an extract:

"You were, on the last Lord's day, called to follow to the grave and deposit in the dust, the remains of a man venerable for his age and skill in his profession and for the several very important and honorable offices he has sustained;—noted for the knowledge he had acquired and his quick penetration into matters of abstruse speculation; exemplary for his regard to the public institutions of religion, and for his constancy in attending the public worship, where he trod the courts of the house of God with steps tottering with age and infirmity."

Ex-Governor Plumer of New Hampshire, who was personally acquainted with Thornton, has said of him that his manners were plain and unassuming; that he was fond of reading, and had a strong and tenacious memory; that as he advanced in years his attachment to light reading increased; that he was a man of humor and pleasantry, social and communicative, abounding in anecdote, which he narrated with facility and propriety; that he was, however, satirical, his sarcasms keen and pointed, occasionally causing offense.

There is an oil portrait of Thornton in the Governor's room in the State House at Concord, New Hampshire. He was over six feet in height, was of dark complexion, had black, penetrating eyes, a fine countenance, and was admirably proportioned. He was affected in later life with a slight palsy of the vocal organs,

which affected articulation to some extent, but such was the tone of his voice that when he spoke universal attention was given.

One of his anecdotes is told in Parker's "History of Londonderry," as follows:

"About the year 1798 the Legislature of New Hampshire convened at Amherst, about eight miles from the residence of Judge Thornton, who found it convenient to attend as a spectator and listen to the debates. While there he happened to meet a gentleman from a neighboring town by the name of D——, who had formerly lived a near neighbor to him in Londonderry, and who was then a member of the Legislature. Mr. D—— was a man who possessed a fair share of natural talent, but who seemed by no means disposed to underrate his own consequence. During their conversation Mr. D—— asked the Judge if he did not think the Legislature had improved very much since he (Mr. Thornton) held a seat in it, and if it did not then possess more men of natural and acquired abilities, and more eloquent speakers, than it did when he (Mr. Thornton) was a member. 'For then,' said he, 'you know that there were but five or six who could make speeches; but now all we farmers can make speeches.' To this question Judge Thornton, with his usual good humor, replied: 'To answer that question, I will tell you a story I remember to have heard related of an old gentleman, a farmer, who lived but a short distance from my father's residence in Ireland. This old gentleman was very exemplary in his observance of religious duties, and made it a constant practice to read a portion of Scripture every morning and every evening before addressing the throne of grace. It happened one morning that he was reading the chapter which gives an account of Samson's catching three hundred foxes, when the old lady, his wife, interrupted him by saying: "John, I'm sure that canna' be true; for our Isaac was as good a fox-hunter as there ever was in the country, and he never caught but about twanty." "Hooh! Janet,"

replied the old gentleman. "Ye mauna' always tak' the Scripture just as it reads. Perhaps in the three hundred there might ha' been aughteen, or maybe twanty, that were raal foxes. The rest were all skunks and woodchucks."'"

John Adams, in a letter written at Baltimore on February 15, 1777, said: "We have from New Hampshire a Colonel Thornton, a physician by profession, a man of humor. He has a large budget of droll stories with which he entertains company perpetually. I heard, about twenty or twenty-five years ago, a story of a physician in Londonderry, who accidentally met with one of our New England enthusiasts, called exhorters. The fanatic soon began to examine the doctor concerning the articles of his faith and what he thought of original sin. 'Why,' says the doctor, 'I satisfy myself about it in this manner. Either original sin is divisible or indivisible. If it is divisible, every descendant of Adam and Eve must have a part, and the share which falls to each individual at this day is so small a particle that I think it is not worth considering. If indivisible, then the whole quantity must have descended in a right line, and must now be possessed by one person only; and the chances are millions and millions to one that that person is now in Asia or Africa, and that I have nothing to do with it.' I told Thornton the story and that I suspected him to be the man. He said he was. He belongs to Londonderry."

A monument was erected at Thornton's Ferry, by the State of New Hampshire, in memory of Matthew Thornton, and was dedicated on September 29, 1892. The town of Merrimack united with the State in the dedication ceremonies, which were held at Thornton's Ferry, on the farm which formerly belonged to Matthew Thornton, and then owned by one of his descendants, Dr. James B. Greeley. Addresses were made by Governor Tuttle and others, and an oration was delivered by General Charles H. Burns, of Wilton. Mr. Gordon Woodbury, representing the descendants, also made an address.

Here was a many-sided man. The story of his eventful life shows that at various times he was a farmer, a physician, a patentee of town grants, a selectman, a moderator at town meetings, speaker of the provincial House of Representatives, a colonel of militia, justice of the Peace, President of the provincial Congress, member of the Committee of Safety; as legislator, a maker and reviser of the laws, and as judge, an expounder and enforcer of them; a framer of State constitutions, a member of the State Council, a State Senator, a member of the Continental Congress; a writer of political essays, poetry and philosophy, a statesman, and, finally, his faithful services in the cause of American liberty were such as to entitle his name to be enrolled in the list of her *Immortal Patriots.*

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